IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 834 OF 2007

Shri Narayan Dadasaheb Kale ..Petitioner
Vs.
Sou. Shakuntala Narayan Kale
and ors. ..Respondents

Mr. Rananaware D.D. for petitioner.
Ms. S.V. Gajare, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : July 10, 2007.

P.C.:

1. Heard the learned counsel for the petitioner-husband who is aggrieved by the order of enhancement in the maintenance amount payable to the respondent-wife.

2. Criminal Maintenance Case No. 18 of 1999 was allowed by the learned Magistrate as per his order dated 27/7/1999 and accordingly an amount of Rs.300/- per month was directed to be paid to the applicant

no.1-wife and Rs.250/- per month to applicant nos.2 and 3, the children. After amendment of provisions of Section 125 of Cr.P.C. as applicable in the State of Maharashtra, the respondent-wife preferred an application for enhancement of the maintenance amount under Section 127 of Cr.P.C. and the same came to be partly allowed by the learned JMFC at Vaduj as per the order dated 28/1/2005. The wife has been directed to be paid the maintenance amount at the rate of Rs.500/- per month and for the two children an additional amount of Rs.500/- per month has been directed to be paid, but from the date of the filing of the enhancement application.

3. This order came to be challenged before the Sessions Court and the learned Sessions Judge at Satara was pleased to dismiss the Criminal Revision Application No. 42 of 2005 as per his Judgment and Order dated 13/2/2007.

4. The short ground on which the impugned orders are challenged is only the date from which the enhancement should be made applicable. As per the

learned counsel the enhanced amount ought to be payable only from the date the learned Magistrate enhanced the amount i.e. from 28/1/2005 and it should not be from the date of filing of the enhancement application. Neither Section 125 nor Section 127 of Cr.P.C. supports these contentions and the learned Magistrate has rightly granted enhancement of maintenance amount from the date of filing of the enhancement application i.e. Maintenance Application No. 106 of 2000.

5. Hence, the petition is rejected summarily.

(B.H. Marlapalle,J.)